

# **EXHIBIT 11**

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11 Attorneys for Defendant  
12 GOOGLE INC.

13 UNITED STATES DISTRICT COURT  
14 NORTHERN DISTRICT OF CALIFORNIA  
15 SAN FRANCISCO DIVISION

16 ORACLE AMERICA, INC.,  
17 Plaintiffs,  
18 v.  
19 GOOGLE INC.,  
20 Defendant.

Case No. CV 10-03561 WHA

**DEFENDANT GOOGLE INC.'S  
RESPONSES AND OBJECTIONS TO  
PLAINTIFF'S INTERROGATORIES, SET  
FIVE**

21 Dept. Courtroom 8, 19<sup>th</sup> Fl.  
22 Judge: Hon. William Alsup

1 Pursuant to Rule 33 of the Federal Rules of Civil Procedure and the parties' stipulation,  
2 Defendant Google Inc. ("Google"), through its attorneys, provides these responses and objections  
3 to Plaintiff's Interrogatories to Defendant Google Inc., Set Five ("Plaintiff's Fifth  
4 Interrogatories"), served by Plaintiff Oracle America, Inc. ("Plaintiff" or "Oracle") on August 21,  
5 2015.

6 **GENERAL OBJECTIONS**

7 1. Google responds generally that its investigation of the facts relevant to this  
8 litigation is ongoing. Google's responses herein are given without prejudice to Google's right to  
9 amend or supplement in accordance with Rule 26(e) of the Federal Rules of Civil Procedure, the  
10 Civil Local Rules, the Court's Case Management Orders, and any applicable Standing Orders.

11 2. Google generally objects to Plaintiff's Fifth Interrogatories, and the "Definitions  
12 and Instructions" related thereto, to the extent they are inconsistent with or impose obligations  
13 beyond those required by the Federal Rules of Civil Procedure, the Civil Local Rules, the Case  
14 Management Orders entered by the Court, and any applicable Standing Orders. In responding to  
15 each Interrogatory, Google will respond as required under Rule 33 of the Federal Rules of Civil  
16 Procedure.

17 3. Google generally objects to Plaintiff's Fifth Interrogatories to the extent they  
18 attempt to reopen discovery on issues, events, transactions, and/or occurrences that could have,  
19 and should have been addressed, if at all, prior to the original trial.

20 4. Google objects to the definition of the words "Google" "You" and "Your" in  
21 paragraph 1 of the Definitions of the Interrogatories as overly broad, unduly burdensome, vague,  
22 and ambiguous and because the definition seeks to expand the definition of "Google" to include  
23 all "predecessors, affiliates, successors, subsidiaries, divisions or parts thereof, parent holding  
24 companies, including without limitation, Alphabet, Inc., and all past or present directors, officers,  
25 agents, representatives, employees, consultants, attorneys, and others acting on its behalf." Such  
26 a definition of "Google" expands the definition beyond any reasonable or commonly accepted  
27 meaning of the term. Further, Google generally objects to Oracle's definitions of "Google,"  
28

1 “You,” and “Your” as overbroad and vague to the extent the definitions purport to include  
2 Alphabet, Inc., as Google’s proposed reorganization has not yet been finalized.

3 5. Google generally objects to Oracle’s definition of “Android” as vague, ambiguous,  
4 overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of  
5 admissible evidence to the extent it includes “related public or proprietary source code,  
6 executable code, and documentation.” Android is an open source software project, and Google  
7 distributes the source code for Android pursuant to a free and open source license that allows  
8 third parties to make modifications to the Android source code that Google distributes.  
9 Accordingly, Google objects to Oracle’s definition of “Android” to the extent it purports to  
10 include software created, modified, and/or distributed by third parties and not Google. Similarly,  
11 Google objects to the term “GOOGLE ANDROID devices” as vague and ambiguous and further  
12 objects to the term as overly broad, unduly burdensome, and not reasonably calculated to lead to  
13 the discovery of admissible evidence to the extent it includes devices running Android software  
14 that are manufactured and sold by third parties, including without limitation any original  
15 equipment manufacturers, and not Google.

16 6. Google generally objects to Oracle’s definitions of “Version” and “Versions” as  
17 vague, ambiguous, overly broad, unduly burdensome, and not reasonably calculated to lead to the  
18 discovery of admissible evidence. Android is an open source software project, and Google  
19 distributes the source code for Android pursuant to a free and open source license that allows  
20 third parties to make modifications to the Android source code that Google distributes.  
21 Accordingly, Google objects to Oracle’s definition of “Version” to the extent it purports to  
22 include software created, modified, and/or distributed by third parties and not Google.

23 7. Google generally objects to Oracle’s definition of “37 Java API Packages” as  
24 vague, ambiguous, overly broad and not reasonably calculated to lead to the discovery of  
25 admissible evidence.

26 8. Google generally objects to Oracle’s definition of “Declaring Code” as vague,  
27 ambiguous, overly broad, unduly burdensome, and not reasonably calculated to lead to the  
28 discovery of admissible evidence. Google further objects that the term “code,” as used in the

1 definition, is vague and ambiguous, as it is unclear whether Oracle is referring to human-readable  
2 source code or something else. Google further objects to the definition of Declaring Code as  
3 overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of  
4 admissible evidence to the extent it purports to include anything other than the source code  
5 declarations that comprise the structure, sequence, and organization for the 37 Java API Packages  
6 that were the subject of the Question 1A on the Phase 1 Special Verdict Form in the prior trial in  
7 this action.

8 9. Google generally objects to Oracle's definition of "SSO" and "structure, sequence  
9 and organization" as vague, ambiguous, overly broad, unduly burdensome, and not reasonably  
10 calculated to lead to the discovery of admissible evidence to the extent it purports to include  
11 anything other than the structure, sequence, and organization of the 37 Java API Packages that  
12 were the subject of the Question 1A on the Phase 1 Special Verdict Form in the prior trial in this  
13 action.

14 10. Google generally objects to Oracle's definition of "Java Platform" as vague,  
15 ambiguous and potentially overbroad. When used in Google's responses, the phrase "Java  
16 Platform" shall have the meaning ascribed to that phrase in paragraph 9 of Oracle's Amended  
17 Complaint, filed in this Action on October 27, 2010 (ECF No. 36), including without limitation  
18 Java ME (Micro Edition), Java SE (Standard Edition), Java EE (Enterprise Edition), OpenJDK,  
19 and all versions thereof.

20 11. Google generally objects to Plaintiff's Fifth Interrogatories to the extent (a) they  
21 are not reasonably calculated to lead to the discovery of admissible evidence that is relevant to  
22 any claim or defense of any party; (b) they are unreasonably cumulative or duplicative; (c) they  
23 seek information that is obtainable from some other source that is more convenient, less  
24 burdensome, or less expensive; or (d) the burden or expense of the proposed discovery outweighs  
25 any likely benefit.

26 12. Google generally objects to Plaintiff's Fifth Interrogatories to the extent they seek  
27 information, documents, and/or things protected from discovery by the attorney-client privilege,  
28 the work product doctrine, the common-interest privilege, and/or any other applicable privilege,

1 immunity, or protection. Nothing contained in Google's responses is intended to be, or in any  
2 way shall be deemed, a waiver of any such applicable privilege or doctrine.

3 13. Google generally objects to Plaintiff's Fifth Interrogatories to the extent they  
4 request information, documents, and/or things not within the possession, custody, or control of  
5 Google, that are as readily available to Plaintiff as to Google, or that are otherwise in the  
6 possession of Plaintiff, on the grounds that such requests are unduly burdensome.

7 14. Google further objects to what Oracle has labeled as Interrogatory Nos. 26, 27, 28,  
8 29, 30, 31, 32, 34 and 35 as improperly compound and containing multiple distinct sub-parts.

9 15. Google objects to each Interrogatory as premature to the extent it seeks expert  
10 testimony. Google will disclose such information at the time and in the manner contemplated by  
11 the Federal Rules of Civil Procedure, the Civil Local Rules, the Court's Case Management  
12 Orders, and any applicable Standing Orders in this case. Google also reserves the right to amend  
13 and incorporate expert opinion and testimony at the appropriate time.

14 16. Google incorporates by reference these General Objections into the specific  
15 objections and responses set forth below. While Google may repeat a General Objection for  
16 emphasis or some other reason, the failure to specifically refer to any General Objection does not  
17 constitute a waiver of any sort. Moreover, subject to the requirements of Rule 33 of the Federal  
18 Rules, Google reserves the right to alter or amend its objections and responses set forth herein as  
19 additional facts are ascertained and analyzed.

20 17. Google remains willing to meet and confer with respect to any of its objections to  
21 assist Plaintiff in clarifying or narrowing the scope of the requested discovery, and reserves the  
22 right to move for a protective order if agreement cannot be reached.

**INTERROGATORY RESPONSES****INTERROGATORY NO. 26:**

For each VERSION of ANDROID developed or released by GOOGLE since October 27, 2010, identify all ANDROID code that contains or replicates code from the 37 JAVA API PACKAGES, including any DECLARING CODE or any other code contained in the JAVA PLATFORM.

**RESPONSE TO INTERROGATORY NO. 26:**

In addition to its General Objections, Google objects to this Interrogatory as vague, ambiguous and potentially overbroad and unduly burdensome as to the terms “code,” “version,” “Android,” “developed or released by Google,” “contains or replicates code from the 37 Java API Packages,” “declaring code,” and “any other code contained in the Java Platform.” Google also objects to this Interrogatory as overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible information to the extent it requires Google to identify any “code” beyond the source code included in the 37 Java API Packages at issue in this litigation. Google also objects to this Interrogatory as overly broad, unduly burdensome, not relevant to any claim or defense in this lawsuit, and not reasonably calculated to lead to the discovery of admissible evidence to the extent that it seeks information related to operations of Google outside of the United States having no connection with the United States, and to the extent that it seeks information unrelated to the copyright infringement allegations set forth in Plaintiff’s Amended and Supplemental Complaints. Google further objects to this Interrogatory as improperly compound and containing multiple distinct sub-parts. Google further objects to this Interrogatory to the extent it attempts to reopen discovery on issues, events, transactions, and/or occurrences that could have, and should have been addressed, if at all, prior to the original trial.

Subject to and without waiving the foregoing objections and the General Objections, Google states that it will produce or otherwise identify relevant, non-privileged documents or code repositories from which information responsive to this Interrogatory can be derived pursuant to Fed. R. Civ. P. 33(d). Google will supplement this response to identify the responsive documents at the appropriate time, after such documents have been produced.

1  
2 **INTERROGATORY NO. 27:**

3 For any software developed or released by GOOGLE since October 27, 2010, identify all  
4 code from such software that contains or replicates code from the 37 JAVA API PACKAGES,  
5 including any DECLARING CODE or any other code contained in the JAVA PLATFORM.

6 **RESPONSE TO INTERROGATORY NO. 27:**

7 In addition to its General Objections, Google objects to this Interrogatory as vague,  
8 ambiguous and potentially overbroad and unduly burdensome as to the terms “code,” “any  
9 software,” “developed or released by Google,” “contains or replicates code from the 37 Java API  
10 Packages,” “declaring code,” and “any other code contained in the Java Platform.” Google also  
11 objects to this interrogatory as overly broad, unduly burdensome and not reasonably calculated to  
12 lead to the discovery of admissible information to the extent it requires Google to identify any  
13 “code” beyond the source code included in the 37 Java API Packages at issue in this litigation.  
14 Google also objects to this Interrogatory as overly broad, unduly burdensome, not relevant to any  
15 claim or defense in this lawsuit, and not reasonably calculated to lead to the discovery of  
16 admissible evidence to the extent that it seeks information related to operations of Google outside  
17 of the United States having no connection with the United States, and to the extent that it seeks  
18 information unrelated to the copyright infringement allegations set forth in Plaintiff’s Amended  
19 and Supplemental Complaints. Google further objects to this Interrogatory as improperly  
20 compound and containing multiple distinct sub-parts. Google further objects to this Interrogatory  
21 to the extent it attempts to reopen discovery on issues, events, transactions, and/or occurrences  
22 that could have, and should have been addressed, if at all, prior to the original trial. Google  
23 objects to this Interrogatory to the extent it is duplicative of Interrogatory No. 26.

24 Subject to and without waiving the foregoing objections and the General Objections,  
25 Google states that it will produce or otherwise identify relevant, non-privileged documents or  
26 code repositories from which information responsive to this Interrogatory can be derived pursuant  
27 to Fed. R. Civ. P. 33(d). Google will supplement this response to identify the responsive  
28 documents at the appropriate time, after such documents have been produced.



**INTERROGATORY NO. 28:**

For each VERSION of ANDROID developed or released by GOOGLE since October 27, 2010, identify all ANDROID code that contains or replicates the SSO of the 37 JAVA API PACKAGES.

**RESPONSE TO INTERROGATORY NO. 28:**

In addition to its General Objections, Google objects to this Interrogatory as vague, ambiguous and potentially overbroad and unduly burdensome as to the terms “code,” “version,” “Android,” “developed or released by Google,” and “contains or replicates the SSO of the 37 Java API Packages.” Google also objects to this Interrogatory as overly broad, unduly burdensome, not relevant to any claim or defense in this lawsuit, and not reasonably calculated to lead to the discovery of admissible evidence to the extent that it seeks information related to operations of Google outside of the United States having no connection with the United States, and to the extent that it seeks information unrelated to the copyright infringement allegations set forth in Plaintiff’s Amended and Supplemental Complaints. Google objects to this Interrogatory as improperly compound and containing multiple distinct sub-parts. Google further objects to this Interrogatory to the extent it attempts to reopen discovery on issues, events, transactions, and/or occurrences that could have, and should have been addressed, if at all, prior to the original trial. Google objects to this Interrogatory as duplicative of Interrogatory No. 26.

Subject to and without waiving the foregoing objections and the General Objections, Google states that it will produce or otherwise identify relevant, non-privileged documents or code repositories from which information responsive to this Interrogatory can be derived pursuant to Fed. R. Civ. P. 33(d). Google will supplement this response to identify the responsive documents at the appropriate time, after such documents have been produced.

**INTERROGATORY NO. 29:**

For any software based on or derived from ANDROID since October 27, 2010, identify all code from such software that contains or replicates the SSO of the 37 JAVA API PACKAGES.

**RESPONSE TO INTERROGATORY NO. 29:**

In addition to its General Objections, Google objects to this Interrogatory as vague, ambiguous and potentially overbroad and unduly burdensome as to the terms “code,” “any software based on or derived from Android,” “Android,” “all code from such software,” and “contains or replicates the SSO of the 37 Java API Packages.” Google further objects to this Interrogatory as overly broad, unduly burdensome, not reasonably calculated to lead to the discovery of admissible information and calling for speculation to the extent it seeks information regarding entities other than Google. Google further objects to this Interrogatory as unduly burdensome to the extent it requests information, documents, and/or things not within the possession, custody, or control of Google. Google also objects to this Interrogatory as overly broad, unduly burdensome, not relevant to any claim or defense in this lawsuit, and not reasonably calculated to lead to the discovery of admissible evidence to the extent that it seeks information related to operations of Google outside of the United States having no connection with the United States, and to the extent that it seeks information unrelated to the copyright infringement allegations set forth in Plaintiff’s Amended and Supplemental Complaints. Google further objects to this Interrogatory as unduly burdensome to the extent it requests information, documents, and/or things not within the possession, custody, or control of Google. Google objects to this Interrogatory as improperly compound and containing multiple distinct sub-parts. Google further objects to this Interrogatory to the extent it attempts to reopen discovery on issues, events, transactions, and/or occurrences that could have, and should have been addressed, if at all, prior to the original trial. Google objects to this Interrogatory as duplicative of Interrogatory No. 27.

Subject to and without waiving the foregoing objections and the General Objections, Google states that it will produce or otherwise identify relevant, non-privileged documents or code repositories from which information responsive to this Interrogatory can be derived pursuant to Fed. R. Civ. P. 33(d). Google will supplement this response to identify the responsive documents at the appropriate time, after such documents have been produced.

1 infringement allegations set forth in Plaintiff's Amended and Supplemental Complaints. Google  
2 further objects to this Interrogatory as improperly compound and containing multiple distinct sub-  
3 parts. Google further objects to this Interrogatory to the extent it attempts to reopen discovery on  
4 issues, events, transactions, and/or occurrences that could have, and should have been addressed,  
5 if at all, prior to the original trial.

6 Subject to and without waiving the foregoing objections and the General Objections,  
7 Google states that this interrogatory is unintelligible as written, and, as a result, Google is not  
8 currently able to provide a further response. Google is willing to meet and confer with Oracle  
9 regarding the scope and meaning of this interrogatory.

10 Dated: September 21, 2015

KEKER & VAN NEST LLP

11  
12 By: /s/ Christa M. Anderson  
13 ROBERT A. VAN NEST  
14 CHRISTA M. ANDERSON  
15 DANIEL PURCELL

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17 Attorneys for Defendant  
18 GOOGLE INC.  
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## PROOF OF SERVICE

I am employed in the City and County of San Francisco, State of California in the office of a member of the bar of this court at whose direction the following service was made. I am over the age of eighteen years and not a party to the within action. My business address is Keker & Van Nest LLP, 633 Battery Street, San Francisco, CA 94111-1809.

On September 21, 2015, I served the following document(s):

**DEFENDANT GOOGLE INC.'S RESPONSES TO PLAINTIFF'S  
INTERROGATORIES, SET FIVE**

☒ by **ELECTRONIC MAIL (PDF)**: Based on an agreement of the parties to accept service by electronic mail, I caused a true and correct copy of the foregoing document(s) to be sent to the person(s) at the electronic notification address(es) listed below. The email was transmitted without error.

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14 Executed on September 21, 2015, at San Francisco, California.

15 I declare under penalty of perjury under the laws of the State of California that the above is true  
16 and correct.  
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18 */s/ Reid P. Mullen*  
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20 Reid P. Mullen  
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